

a gas inlet port for receiving said carrier gas, said gas inlet port connected to said first aperture through a first fluid channel;

a liquid inlet port for receiving the liquid, said liquid inlet port connected to said second aperture through a second fluid channel;

A2  
cont.  
a valve mechanism including a valve element disposed adjacent to and opposite said valve seat, said valve element being continuously adjustable by said valve mechanism over a continuous range of settings between and including a fully closed position and a fully open position; and

an outlet port connected to said third aperture through a third fluid channel,

the valve body defining a first volume in adjustable, fluid communication with a second volume through the valve seat wherein during normal operation the pressure in the first volume is different than the pressure in the second volume;

- b) providing sources of liquid and carrier gas;
- c) vaporizing liquid in the valve seat by operating the valve and sources such that there is a change in pressure from the liquid inlet to the vapor outlet.--

---

### REMARKS

The present application is a continuation application under 37 C.F.R. §1.53(b) of copending Application Serial No. 09/660,208, which is a divisional of Application Serial No. 08/574,999 ("the '999 application"), now U.S. Patent No. 6,224,681. The parent application to the '999 application was originally filed on December 15, 1992 as U.S. Pat. App. Ser. No. 07/990,755 ("the '755 application"). The parent '755 application was abandoned in favor of a first File Wrapper Continuation Application, U.S. Pat. App. Ser. No. 08/278,984. This first File Wrapper Continuation Application was subsequently abandoned in favor of a second File Wrapper Continuation application, the original '999 application. On November 19, 1998, a Notice of Allowability was issued granting 24 claims, numbered as claims 24-47, of the '999 application.

The original '999 application was abandoned in favor of a first Continued Prosecution Application ("first CPA") that was filed on March 30, 1999. In this first CPA, the 24 claims that

had been allowed in the previous '999 application were canceled without prejudice to refile a new set of 25 claims, numbered as claims 48 – 72, was submitted. A Notice of Allowability for claims 48 – 72 was mailed on June 24, 1999.

On September 24, 1999 , Applicants abandoned the first CPA of the '999 application in favor of a second Continued Prosecution Application ("second CPA"). Claims 48-72, which had been allowed in the first CPA application, were also submitted with the second CPA. However, through an error of the Patent Office, the abandoned first CPA mistakenly issued as U.S. Pat. Ser. No. 5,976,262 on November 2, 1999. The PTO withdrew U.S. Pat. Ser. No. 5,976,262 from issue on November 2, 1999. On June 16, 2000 the Examiner allowed claims 48-72 of the second CPA of the '999 application.

Upon entry of the claims presented above, claims 10-28 will remain pending in the above-referenced patent application. In this Preliminary Amendment to the continuation application, Applicant has canceled claims 1-9 and added new claims 10–28. However, claims 10–28 are similar in scope to previously-allowed claims 24-47, which were canceled without prejudice in the June 17, 1999 Preliminary Amendment to the first CPA application. The Preliminary Amendment additionally corrects several typographical errors that were previously corrected in the parent patent application. No new matter has been added as a result of this Preliminary Amendment.

All of the limitations of new claims 10-28 are clearly supported by the specification according to the present invention. Claims 10-28 are, therefore, allowable.

**CONCLUSION**

Applicant respectfully submits that Claims 10-28 are now in condition for allowance. The Examiner is encouraged to call the undersigned collect at (415)705-6377 if there are questions, or if it will expedite allowance of this application. The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 04-0822.

Respectfully submitted,

DERGOSITS & NOAH LLP

Dated: July 31, 2001

By: Michael E. Dergosits

Michael E. Dergosits  
Reg. No. 31,243

Please send all correspondence to:

Dergosits & Noah LLP  
Four Embarcadero Center, Suite 1150  
San Francisco, California 94111  
(415) 705-6377